

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MICHEL HERVE JOHNNY,

Petitioner,

v.

CHARLES GREEN,

Respondent.

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Civil Action No. 17-364 (JMV)

OPINION

APPEARANCES:

MICHEL HERVE JOHNNY
Essex County Correctional Facility
354 Doremus Ave.
Newark, NJ 07105
Petitioner, *pro se*

DAVID V. SIMUNOVICH
Office of the U.S. Attorney
District of New Jersey
970 Broad Street, Suite 700
Newark, NJ 07102
On behalf of Respondent

VAZQUEZ, United States District Judge

Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 on January 1, 2017. (ECF No. 1.) He alleges a violation of his right to due process based on prolonged detention in the custody of Immigration and Customs Enforcement. (“ICE”). (*Id.*) Petitioner is confined in Essex County Correctional Facility, and he has been in custody since May 23, 2016. (*Id.*, at 2.)

Respondent submitted a letter response to the petition on March 1, 2017. (ECF No. 4.)

Respondent does not object to a remand ordering an Immigration Judge to provide Petitioner with a bond hearing, in accordance with 8 C.F.R. § 1003.19(c). The Court will, therefore, grant the habeas petition and order Respondent to provide Petitioner with a bond hearing. *See Chavez-Alvarez v. Warden York County Prison*, 783 F.3d 469, 478 (3d Cir. 2015) (due process requires that detention without bail pursuant to 8 U.S.C. § 1226(c) be limited to a reasonable period of time to further the goals of the detention statute.)

An appropriate Order follows.

Date: April 25, 2017
At Newark, New Jersey

s/ John Michael Vazquez
JOHN MICHAEL VAZQUEZ
United States District Judge